

### **Part 3**

## **Regular General Election Ballots**

#### **20A-6-301 Paper ballots -- Regular general election.**

- (1) Each election officer shall ensure that:
  - (a) all paper ballots furnished for use at the regular general election contain:
    - (i) no captions or other endorsements except as provided in this section;
    - (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
    - (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).
  - (b)
    - (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;
    - (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and
    - (iii) ballot stubs are numbered consecutively;
  - (c) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:
    - (i) "Official Ballot for \_\_\_\_ County, Utah";
    - (ii) the date of the election; and
    - (iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;
  - (d) the party name or title is printed in capital letters not less than one-fourth of an inch high;
  - (e) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title, and with a mark referencing the following statement at the bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated with, a political party.";
  - (f) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
  - (g) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
  - (h) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and
  - (i) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:
    - (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or
    - (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last

candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.

(2) Each election officer shall ensure that:

- (a) each person nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:
  - (i) under the registered political party's name, if any; or
  - (ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
- (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
- (d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;
- (b) the words designating the office are printed flush with the left-hand margin;
- (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
- (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
- (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)," according to the number to be elected.

(4) Each election officer shall ensure that:

- (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;
- (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and
- (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 66, 2016 General Session

**20A-6-302 Paper ballots -- Placement of candidates' names.**

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

- (a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
- (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and
- (c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

(2)

- (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the

following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_\_ No \_\_\_\_\_."

- (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.
  - (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
  - (d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.
  - (e) If no qualified person files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.
  - (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:
    - (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
    - (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- (3)
- (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_\_ No \_\_\_\_\_."
  - (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.
  - (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
  - (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.
  - (e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
  - (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:
    - (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

- (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Amended by Chapter 17, 2014 General Session

**20A-6-303 Regular general election -- Ballot sheets.**

- (1) Each election officer shall ensure that:
  - (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;
  - (b) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:
    - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
    - (ii) any ballot propositions submitted to the voters for their approval or rejection;
  - (c) the office titles are printed immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
  - (d) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed immediately adjacent to the candidate's name; and
  - (e)
    - (i) if possible, all candidates for one office are grouped in one column or upon one page;
    - (ii) if all candidates for one office cannot be listed in one column or grouped on one page:
      - (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page; and
      - (B) approximately the same number of names shall be printed in each column or on each page.
- (2) Each election officer shall ensure that:
  - (a) proposed amendments to the Utah Constitution are listed in accordance with Section 20A-6-107;
  - (b) ballot propositions submitted to the voters are listed in accordance with Section 20A-6-107; and
  - (c) bond propositions that have qualified for the ballot are listed under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 66, 2016 General Session

**20A-6-304 Regular general election -- Electronic ballots.**

- (1) Each election officer shall ensure that:
  - (a) the format and content of the electronic ballot is arranged in approximately the same order as paper ballots;
  - (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate display screens;
  - (c) the electronic ballot is of sufficient length to include, after the list of candidates:
    - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
    - (ii) any ballot propositions submitted to the voters for their approval or rejection;
  - (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

- (e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and
  - (f) if possible, all candidates for one office are grouped in one column or upon one display screen.
- (2) Each election officer shall ensure that:
- (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;
  - (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107; and
  - (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 66, 2016 General Session

**20A-6-305 Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

- (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).
- (2) The lieutenant governor shall:
  - (a) by November 15 in the year before each regular general election, conduct a random selection to establish the master ballot position list for the next year and the year following in accordance with procedures established under Subsection (2)(c);
  - (b) publish the master ballot position lists on the lieutenant governor's election website on or before November 15 in the year before each regular general election; and
  - (c) establish written procedures for:
    - (i) the election official to use the master ballot position list; and
    - (ii) the lieutenant governor in:
      - (A) conducting the random selection in a fair manner; and
      - (B) providing a record of the random selection process used.
- (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.
- (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:
  - (a) the candidate's surname;
  - (b) for candidates with a surname that has the same spelling, the candidate's given name;
  - (c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor; and
  - (d) if the ballot provides for a ticket or a straight party ticket, the registered political party name.
- (5) Subsections (1) through (4) do not apply to:
  - (a) an election for an office for which only one candidate is listed on the ballot; or
  - (b) a judicial retention election under Section 20A-12-201.
- (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:
  - (a) a straight party ticket, where the voter may, with one mark, vote for all candidates of one political party;

- (b) for federal office:
    - (i) president and vice president of the United States;
    - (ii) United States Senate office; and
    - (iii) United States House of Representatives office;
  - (c) for state office:
    - (i) governor and lieutenant governor;
    - (ii) attorney general;
    - (iii) state auditor;
    - (iv) state treasurer;
    - (v) state Senate office;
    - (vi) state House of Representatives office; and
    - (vii) State Board of Education member;
  - (d) for county office:
    - (i) county executive office;
    - (ii) county legislative body member;
    - (iii) county assessor;
    - (iv) county or district attorney;
    - (v) county auditor;
    - (vi) county clerk;
    - (vii) county recorder;
    - (viii) county sheriff;
    - (ix) county surveyor;
    - (x) county treasurer; and
    - (xi) local school board member;
  - (e) for municipal office:
    - (i) mayor; and
    - (ii) city or town council member;
  - (f) elected planning and service district council member;
  - (g) judicial retention questions; and
  - (h) ballot propositions not described in Subsection (6)(g).
- (7)
- (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.
  - (b) Each ticket, other than a ticket described in Subsection (6)(g), shall list:
    - (i) each candidate in accordance with Subsections (1) through (4); and
    - (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

Amended by Chapter 66, 2016 General Session